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EXAMINER

THOMPSON, MARC D

ART UNIT

PAPER NUMBER

2142

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12

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n No.

09/458,369

Applicant(s)

BROCKWAY ET AL.

Examiner

Marc D. Thompson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2003, Amendment A.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 December 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Amendment A, Paper #11, received 09/05/2003, has been entered into record.
2. Claims 1-46 remain pending.

Priority

3. No claim for priority has been made in this application.
4. The effective filing date for the subject matter defined in the pending claims in this application is 12/09/1999.

Claim Objections

5. Claim 7 remains objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.
6. Applicant attempts to distinguish “transmitting the peripheral device settings from the server to the client together with the configuration information” (Claim 5, Lines 5-6) and “wherein the peripheral device settings are transmitted contemporaneously with the configuration information” (Claim 7, Lines 1-2). Applicant has failed to distinguish the meaning of the terms “together with” and “contemporaneously” in the context of the usage as being distinct. That is, if two events occur “contemporaneously” (at the same time), these events occur, in time, “together with” one another. After all, “together with” directly infers two, distinct things (i.e., events) occurring at/within the same time [period], and “contemporaneously” directly infers with this notion. This is confirmed by Applicant’s stated definition of these terms at Amendment A, Paper #11, Page 14, Lines 16-27, Section II. As previously asserted, the

claims and claim language usage remain broad enough to confuse this, and other, issues. If Applicant intends to discern “contemporaneously” from “together with” in this context, specific origin(s) and destination(s) of information transfers are required to discern the operations in order to ascertain what is actually further limiting. In short, the given breadth of the claims describe an event (transmission of device settings) which occurs “together with” another event (transmission of configuration information), which describes identically these two events occurring “contemporaneously”. Clarification of intended further limiting subject matter is required.

Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim Rejections - 35 USC § 112

7. In response to Applicant amendment, all previously asserted 35 U.S.C. § 112, second paragraph rejection(s) are obviated.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published

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under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)):

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

9. Claims 1-3, 5-10, 12-23, 25-31, 33-40, and 42-45 are rejected under 35 U.S.C. 102(b) as being anticipated by Golson et al. (U.S. Patent Number 5,761,505), hereinafter referred to as Golson.

10. Regarding claims 1, 13, 14, 17, 19, 25 and 33, and 42, Golson expressly taught installing server support (Column 6, Lines 56-65) on the server (Column 5, Line 57 through Column 6, Line 25) for a peripheral device attached at the client (Figure 1, printer 24 attached to client computer 14c, Column 6, Lines 26-31), transmitting (Column 6, Lines 56-65) server support configuration information (Column 6, Lines 1-24) related to the peripheral device from the server to the client (Column 7, Lines 36-60, Column 8, Lines 9-11), and storing the transmitted server support configuration information at the client (Column 5, Lines 29-42, and Column 5, Lines 57-67).

11. Regarding claims 2, 18, 21, 37, and 44, transmitting peripheral device settings to the server upon reconnection (Column 6, Lines 35-65).

12. Regarding claims 3, 5, 7, 26-28, 39-40, and 43, Golson disclosed disconnection of client from server (Column 7, Lines 36-60), establishing a new connection (Column 6, Lines 32-65),

transmitting configuration information to the server (Column 6, Lines 56-65), and utilizing the configuration information to provide a peripheral server (Column 5, Lines 57-67).

13. Regarding claims 6, 20, 22, 29, and 38, Golson disclosed effecting device setting changes (Column 8, Lines 37-39).

14. Regarding claims 8, 23, 30, 34, 36, and 45, Golson taught the peripheral device comprising a printer (inter alia, Column 4, Lines 65-66).

15. Regarding claims 9, 15, 31, and 35, Golson disclosed effecting the uninstallation of peripheral server support (Column 8, Lines 37-39).

16. Regarding claims 10, 16, and 31, Golson disclosed the overwriting of data related to server settings (Column 8, Lines 15-21).

17. Regarding claim 12, Golson taught the configuration information includes one or more of the following: peripheral device name, port name, queue name, queue redirection information, redirected port information, and driver name (inter alia, Column 6, Line 3, printer name).

18. Since Golson disclosed all the claimed limitation of the invention as broadly set forth, claims 1-3, 5-10, 12-23, 25-31, 33-40, and 42-45 are rejected.

19. Claims 1, 8, 12-14, 17, 19, 23, 25, 30, 33, 34, 36, 42, and 45 are rejected under 35 U.S.C. 102(e) as being anticipated by Lomas et al. (U.S. Patent No. 6,424,424), hereinafter referred to as Lomas.

20. Regarding claims 1, 13, 14, 17, 19, 25 and 33, and 42, Lomas taught installing server support (Column 2, Line 42) on the server (Column 4, Lines 29-38) for a peripheral device attached at the client (Figure 1, printer 12 attached to host processor 16, and indirectly coupled to

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client processor 14, Column 1, Lines 62-65), transmitting (Column 3, Lines 39-43) server support configuration information (Column 3, Lines 4-10) related to the peripheral device from the server (Column 3, Lines 37-50) to the client (Column 3, Lines 39-43), and storing the transmitted server support configuration information at the client (Column 3, Lines 21-23).

21. Regarding claims 8, 23, 30, 34, 36, and 45, Lomas further taught the peripheral device comprising a printer (Column 2, Lines 33-35).

22. Regarding claim 12, Lomas further taught the configuration information includes one or more of the following: peripheral device name, port name, queue name, queue redirection information, redirected port information, and driver name (Lomas Column 4, Lines 2-3 printer's name).

23. Since all the claimed limitations as broadly set forth in claims 1, 8, 12-14, 17, 19, 23, 25, 30, 33, 34, 36, 42, and 45 were expressly taught by Lomas, these claims are rejected.

Claim Rejections - 35 USC 103

24. The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

25. Claims 2-7, 18, 20-22, 26-29, 37-38, 40-41, and 43-44 are rejected under 35 U.S.C.

103(a) as being unpatentable over Lomas et al. (U.S. Patent 6,424,424) as applied above, further in view of Yellepeddy et al. (U.S. Patent No. 6,288,790), hereinafter referred to as Yellepeddy.

26. Regarding claims 2, 18, 21, 37, and 44, Lomas taught the invention substantially as claimed as noted above. Lomas taught transmitting the server support configuration information from the client to the server (Lomas column 3, lines 59-61). Lomas did not expressly teach reconnection of the client and the server. However, in art related to print support for mobile data processing systems, Yellepeddy taught detecting reconnection of the data processing system to the selected printer or print server (Yellepeddy Column 1, Lines 60-62). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the installation of shared printers on a network provided by Lomas with the automatic network printer configuration teachings of Yellepeddy since reliability was achieved by providing no noticeable loss of services during disconnections of nodes on the network, and current, accurate network device information being available for network management.

27. Regarding claims 3, 5, 7, 26-28, 39-40, and 43, Lomas and Yellepeddy taught the invention substantially as claimed as noted above. Lomas further taught establishing a new connection between the client and the server (Column 3, Line 19), transmitting the configuration information stored at the client to the server (Column 3, Lines 59-61), and utilizing the transmitted configuration information at the server to automatically restore the server support for the peripheral device without requiring interaction from a user (Column 3, Lines 27-35 without requiring further user interaction & Figure 1, controlling software 26-36). Yellepeddy further taught disconnecting the client from the server. (Yellepeddy Column 3, Lines 58-60 & Column 4, Lines 11-15 mobile print mode wherein the client data processing may be physically disconnected from the network connected containing the remote printer queue). Lomas also disclosed transmitting the peripheral device settings from the client to the server upon the

establishment of a connection between the client and the server (Column 3, Lines 59-61), transmitting the peripheral device settings (Column 4, Lines 2-6 printer object created from SLP packet) from the server to the client together with the configuration information (Column 4, Lines 5-12 & 17-18), and storing the peripheral device settings at the client (Column 3, Lines 21-23).

28. Regarding claims 4 and 41, Yellepeddy further taught a different server. (Yellepeddy taught the user may shift a transient printer queue to replay print jobs to a different remote printer queue on a different server Column 6, Lines 63-67).

29. Regarding claims 6, 20, 22, and 29, Lomas taught retransmitting the peripheral device settings from the client to the server whenever a peripheral device setting is changed (Column 4, Lines 52-55).

30. Regarding claim 7, Lomas further taught the peripheral device settings are transmitted contemporaneously (concurrently) with the configuration information (Column 3, Lines 7-8 & Column 4, Lines 5-12 & 17-18 necessary parameters and SLP packet are downloaded by client).

31. Since the claimed limitations of claims 2-7, 18, 20-22, 26-29, 37-38, 40-41, and 43-44 were disclosed by the combination of Lomas and Yellepeddy, these claims are rejected.

32. Claims 9, 10, 15, 16, 31, 35, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lomas (U.S. Patent No. 6,424,424) as applied above, in view of Huang et al. (U.S. Patent No. 6,131,134), hereinafter referred to as Huang, further in view of White et al. (U.S. Patent No. 6,301,012), hereinafter referred to as White.

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33. Regarding claims 9, 15, 31, and 35, Lomas taught the invention substantially as claimed as noted above. Lomas did not teach uninstalling server support for the peripheral device attached at the client. However in art related to hot plug n play, Huang taught disabling related drivers corresponding to uninstalling server support (Column 5, Line 47). Huang further taught transmitting new server support configuration information to the client (Column 5, Line 41-42), the new server support configuration information indicating that server support for the peripheral device has been uninstalled (Column 8, Lines 35-36). Neither Lomas or Huang specifically taught deleting the stored configuration information related to the uninstalled to peripheral device from the client. However in art related to automatic configuration of network peripherals, White taught when configuration parameters change, modifying configuration parameters accordingly (Column 4, Lines 42-46). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of network printer installation provided by Lomas with the teachings of bus extension provided by Huang and the configuration of a network printer provided by White, to result in the replacement of client stored peripheral information since detecting uninstalled server support and updating configurations dynamically allows for consistent, accurate network information.

34. Regarding claims 10, 16, and 31, the combined teachings of Lomas, Huang, and White taught that deleting was accomplished by overwriting the stored configuration information with the new server configuration information (White, Column 4, Lines 42-46).

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35. Claims 11, 24, 32, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lomas et al. (U.S. Patent Number 6,424,424) as applied above, in view of White et al. (U.S. Patent No. 6,301,012).

36. Regarding claims 11, 24, and 46, the combination of Lomas and White taught renaming a queue associated with the peripheral device that was created when the peripheral device was installed on the server (White Column 4, Lines 49-58 proper print queue is created), transmitting subsequent configuration information from the server to the client, the configuration information denoting the renamed queue (Lomas, Column 4, Lines 8-12), and storing the subsequent configuration information denoting the renamed queue at the client (Lomas, Column 3, Lines 21-23).

37. Regarding claim 32, Lomas and White taught the server further configured to create a virtual port that is utilized by the client (White, Column 4, Lines 17-20), and include information regarding the virtual port in the configuration information sent to the client (Lomas, Column 4, Lines 2-3 SLP packet info).

38. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of network printer installation provided by Lomas with the teachings of automatic configuration of a network printer provided by White, to result in the replacement of client stored peripheral information since detecting uninstalled server support and updating configurations dynamically allows for consistent, accurate network information.

39. Claims 1-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gase et al. (U.S. Patent Number 5,580,177), hereinafter referred to as Gase, in view of Urevig et al. (U.S. Patent Number 6,154,787), hereinafter referred to as Urevig.

40. Gase disclosed a centralized server acting to maintain records associated with various network printers. See Column 3, Lines 4-16. This central server further provided printer drivers for installation at client terminals for usage of network printers. See Column 3, Lines 51-67. The printers were server-based services and configuration of these peripheral devices were transmitted to client terminals. See, inter alia, Column 4, Lines 35-37. Recitation of “configuration information related to the [peripheral] device”, as claimed, being “transmitted to the client”, is broad enough to include a simple indication of availability. Further, the driver(s) themselves, constitute configuration information, since drivers were routinely updated, revised, and required for printer usage. See Gase, Column 4, Lines 10-26.

41. While Gase disclosed the invention substantially as claimed, Gase did not specifically disclose the connection of a printer to one of the clients of the networking system. An artisan of ordinary skill at the time the invention was made, would have been aware that an arbitrary client computer has connected peripheral devices, and these devices included printers which were well known to have been shared network devices. See Gase, Column 1, Lines 18-53. Thus, an artisan would have been motivated to search the related arts of network shared peripheral devices to isolate teachings directed toward configuration of local peripherals as network shared devices.

42. In this art, Urevig disclosed the reassignment of network resources relating to shareable peripheral devices which included printers and tape drives. See Column 2, Lines 25-35, and Column 5, Lines 14-24. Also note, Column 4, Lines 61-64, where functionality of the disclosed

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method(s) was disclosed as operative on standard personal computers. The teachings of Urevig resulted in a shared resources system which dynamically managed and allocated shared peripheral device usage (i.e., servers) to requesting process(es) (i.e., clients), with minimal user input. See Column 2, Lines 48-67. The resultant system of the combination of the Gase and Urevig teachings would have been understood by an ordinary artisan at the time the invention was made as one which provided centralized printer driver and status management while dynamically managing sharable network resources for the host(s) which both provide and request services of the network. See Gase, Column 2, Lines 36-54, and Urevig, Column 2, Lines 48-67. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Gase and Urevig to result in a system providing printing services, printer status monitoring, centralized printer driver (configuration) maintenance, and timely, automated reassignment of network shared resources. The claimed invention was fully taught by this proposed combination, as follows:

(Claims 1, 13, 14, 17, 19, 25, 33, 42)

1. Installing server support on the server for a peripheral device attached at the client (Gase, Column 4, Lines 10-17, Urevig, Column 8, Lines 19-67), transmitting configuration information for the peripheral from the server to the client (Gase, Column 4, Lines 17-23, Column 4, Lines 63-65), storing the configuration information at the client (Gase, Column 4, Lines 63-65),

(Claims 2, 18, 21, 37, 44)

2. Transmitting configuration information from the client to the server upon reconnection of the client and server (Gase, Column 4, Lines 39-45, Urevig, Column 10,

Lines 41-55),

(Claims 3, 5, 7, 26-28, 39, 40, 43)

3. Disconnecting and reconnecting the server and client, (Gase, Column 4, Lines 36-59, Urevig, Column 8, Lines 5-18, Column 10, Lines 41-55), transmitting the configuration information stored at the client to the server (Gase, Column 1, Lines 43-46, Column 4, Lines 41-45, Urevig, Column 5, Lines 36-46), utilizing the configuration information to automatically restore the server support for the peripheral device (Gase, Column 4, Lines 39-45, Urevig, Column 10, Lines 41-55).

(Claims 4, 41)

4. Transmitting the configuration information at the client to a different server, would have been obvious to one of ordinary skill in the art at the time the invention was made in order to provide redundancy; multiple servers were notoriously well known to work in parallel to avoid loss of complete network functionality when a single server failed.

(Claims 6, 20, 22, 29, 38)

5. Retransmitting device settings from the client to the server whenever a peripheral device setting is changed, (Gase, Column 4, Lines 39-45, Urevig, Column 2, Lines 58-61)

(Claims 8, 23, 30, 34, 36, 45)

6. Peripheral device is a printer, (Gase, Column 1, Lines 35-54, Urevig, Column 5, Lines 19-22)

(Claims 9, 15, 31, 35)

7. Uninstalling server support for the peripheral device (Urevig, Column 8, Lines 56-61, Column 10, Lines 41-55).

(Claims 10, 16, 31)

8. Overwriting the stored configuration information with new server configuration information (Gase, Column 4, Lines 10-59, Urevig, Column 9, Lines 20-41)

(Claims 11, 24, and 46)

9. [maintaining] a queue for the peripheral device, (Gase, Column 4, Lines 10-26, Column 5, Lines 34-37)

(Claim 32)

10. Creation and maintenance of virtual ports for the peripheral service (Urevig, Column 10, Lines 62-65). TCP/IP inherently provided well-known port assignment for server responses.

43. Thus, since all the claimed limitations were disclosed by the combination of Gase and Urevig, claims 1-46 are rejected.

Response to Arguments

44. The arguments presented by Applicant in the response, Paper #11, Amendment A, received 9/5/2003, are not considered persuasive.

1. Applicant asserts there is a difference between the terms used in claims 5 and 7, in comparison of two information transmission events occurring “together” as opposed to “contemporaneously”. See Response, Paper #11, Amendment A, received 9/5/2003, Page 14, Lines 16-27, Section II. As stated above, if Applicant intends to discern “contemporaneously” from “together with” in this context, specific origin(s) and destination(s) of information transfers are required to discern the operations in order to ascertain what is actually further limiting. In

short, the given breadth of the claims describe an event (transmission of device settings) which occurs “together with” another event (transmission of configuration information), which describes identically these two events occurring “contemporaneously”. Clarification of intended further limiting subject matter is required to overcome this objection. There appears to be a clear lacking of argument reasoning in this section, since Applicant statements are mere allegation of difference; nothing other than strict, overlapping, definitions are provided to provide clarity of argument between usage of these two distinct claim language terms. That is, how these terms are actually different are not addressed. Lastly, it is noted Applicant mentions claim 4 during argument of this contention. See, Response, Paper #11, Amendment A, received 9/5/2003, Page 14, Last Line. It is assumed that this citation is an inadvertent typographical error which will not be further treated.

2. Applicant asserts objection under 35 C.F.R. 1.75(a) is obviated through alleged clarification of the term(s) “client” and “server”, as set forth in the presented arguments, is sufficient to clarify the meanings of these words as presented in the claims. See, Response, Paper #11, Amendment A, received 9/5/2003, Paper #11, Page 15, Lines 1-20, Section III. Further, this clarification remains unclear since the client peripheral is a server, in the broad sense, since it performs service(s) in response to (external) client request(s). Examiner will interpret the claims in accordance with Applicant response, that is, that the single, expressly recited “server” does not at all correspond to (is wholly distinct from) the peripheral device attached to the client device. Thus, in view of this express interpretation, this objection to the claims on these grounds is removed.

3. Applicant argues Golson does not provide multiple limitations set forth in the

claimed invention. See, Response, Paper #11, Amendment A, received 9/5/2003, Pages 15-16.

Specifically, Applicant argues Golson failed to expressly disclose the following two elements:

a. "Transmitting server support configuration information related to the peripheral device from the server to the client". It is clear that configuration information was expressly detailed in the server memory, and effected peripheral configuration. See, inter alia, Golson, Column 6, Lines 1-16. For express example of client-side retrieval of configuration information, see, inter alia, Column 8, Lines 1-7.

b. "Storing the transmitted server support configuration information at the client". Applicant further states that the expressly disclosed "global" storage at the server somehow taught away from the [local] storage of configuration information at the client. See Response, Paper #11, Amendment A, received 9/5/2003, Page 16. Examiner notes that "local" and/or "remote" storage of information were identically equivalent. See, for example, Golson, Column 4, Line 61 through Column 5, Line 4. Further, if "configuration information" was used at the client in any capacity, storage of the information at the client terminal within a computer readable media was inherently present. Otherwise, client-side usage of the information was impossible.

4. Applicant argues Lomas failed to teach or suggest "transmitting server support configuration information related to the peripheral device [from the server to the client]". See Response, Paper #11, Amendment A, received 9/5/2003, Page 17. Other portions of this argumentative line include the alleging that the printer was not connected to a client device. Examiner notes Lomas, Column 1, Lines 62-65, and Column 2, Lines 11-13, which is clear as to the respective points, "installation of a printer driver program for a [] printer onto a network-

connected client processor”, and “enabl[ing] installaion of a network printer onto a client processor”. Applicant misrepresents the Lomas teachings and mischaracterizes any alleged differences between Lomas and the currently claimed invention by clouding the meaning of the utilized terms “client” and “server”, as purposefully noted in the prior Office action. For example, a printer coupled to a “client” terminal IS a server, since the printer performs function(s) upon request from “clients” on the network. The “server”, as claimed, as noted above, is considered/interpreted as wholly different than the printer. However, in Lomas, both the host processor (16), and the print server (20), were remaining servers. Applicant confuses these logical designations in this section of the response stating “[Lomas] does not teach or suggest transmitting **server** support configuration information related to the peripheral device”, as opposed to “[Lomas taught] installing of a printer on a **client**”. This “server” and “client” logical designation is not a basis for differentiation. That is, an arbitrary “client” machine which hosts a printer (which, itself, is a “server”) is a “server” to the rest of the network, since it provided access to network services, e.g., printing.

5. In response to Applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., “information [being] utilized to restore the peripheral device on the server”) (Response, Paper #11, Amendment A, received 9/5/2003, Page 17) are not recited in the rejected claim(s). A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in

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a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

6. In response to Applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

7. Applicant argues the combination of Lomas and Yellepeddy fails to disclose the claimed invention based on the alleged deficiencies of Lomas. See Response, Paper #11, Amendment A, received 9/5/2003, Page 18, Section VI. The breadth of the claimed invention remains such that the alleged deficiency of the combined teachings in disclosing "installing server support on the server for a peripheral device attached at the client" was, as expressly recited above, disclosed by Lomas, and thus, present in the combination of Lomas and Yellepeddy.

8. Likewise, Response, Paper #11, Amendment A, received 9/5/2003, Pages 18 and 19, Sections VII and VIII, deal with the combination of Lomas, Huang, and White, and Lomas and White, respectively, and the alleged deficiencies of teachings of Lomas within these combinations of teachings. As set forth above, Examiner disagrees with the alleged deficiencies of the Lomas, and maintains the combination of teachings as proper, and relies upon the Lomas teachings to disclose, either totally or substantially, the invention as broadly claimed.

9. Applicant argues the combination of Gase and Urevig did not disclose "storing

the transmitted server support configuration information at the client.” See Response, Paper #11, Amendment A, received 9/5/2003, Pages 19-20, Section IX. Applicant states “...the print driver is stored at the server instead of at the client”. See Response, Paper #11, Amendment A, received 9/5/2003, Page 20, Lines 3-4. Examiner remains firm on the fact that this combination of teachings clearly and unquestioningly disclosed installation of printer configuration information at a server (inter alia, Gase, Column 4, Lines 10-34), storage of printer configuration information at a central server (inter alia, Gase, Column 3, Lines 61-62, reference number 36 and 38), and transfer and storage of printer configuration information from the server to the client (inter alia, Gase, Column 4, Lines 20-22, reference number 26). Lastly, the argued storage of server support configuration at the client device(s) was fully met, inter alia, by Gase, Figure 2, and Column 4, Lines 43-45. If information was displayed or processed at a client terminal, this information was inherently stored thereon.

45. As previously reported, the Examiner determines the breadth of the presented claims is unwarranted, and overall, not commensurate with the details of the presented disclosure. The claims lack details required to determine exactly what is occurring, even in light of the specification. Applicant is advised to revise the claims, at least, such that the claims are commensurate with the “client-side caching” description provided within the description, and also as present in the title of the invention. The present claims do not presently describe in any amount of detail, the actual use of client cached peripheral information for maintaining updated service records as described in the specification. Applicant seemingly ignored almost all Examiner suggestions and concerns specifically set forth in the prior action, and has failed to modify the claim language to distinguish over the prior art of record by clarifying or

substantially narrowing the claim language. Applicant apparently intends that a broad interpretation be given to the claims and the Examiner has adopted such in the present and previous Office action rejections. See *In re Prater and Wei*, 162 USPQ 541 (CCPA 1969), and MPEP § 2111. Additionally, also as previously reported, Applicant employs broad language which includes the use of words and phrases which have broad meanings in the art. Since Applicant has not argued any narrower interpretation of the claim language, nor amended the claims significantly enough to construe a narrower meaning to the limitations, and claim breadth allows multiple interpretations and meanings which are broader than Applicant's disclosure, the Examiner is forced to interpret the claim limitations as broadly as reasonably possible, in determining patentability of the disclosed invention. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Failure for Applicant to significantly narrow definition/scope of the claims and supply arguments commensurate in scope with the claims implies the Applicant intend broad interpretation be given to the claims. The Examiner has interpreted the claims with scope parallel to the Applicant in the response, and reiterates the need for the Applicant to clearly, distinctly, and uniquely claim the invention. The current claims infer coverage breadth which is inconsistent with breadth of the disclosure and are not found distinguishable above the prior art of record.

Conclusion

46. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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47. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

48. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Marc Thompson whose telephone number is (703) 308-6750. The Examiner can normally be reached on Monday-Friday from 9am to 4pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, David Wiley, can be reached at (703) 308-5221. The fax phone number for the organization is (703) 305-9731.

Inquiries of a general nature relating to the general status of this application or proceeding should be directed to the 2100 Group receptionist whose telephone number is (703) 305-3900, or Customer Service for Technology Center 2100 at (703) 306-5631.

MARC D. THOMPSON
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